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10/040,603	01/07/2002	Rakesh Bhakta	406990	6079

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EXAMINER

ALOMARI, FIRAS B

ART UNIT PAPER NUMBER

2136

DATE MAILED: 04/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/040,603

Applicant(s)

BHAKTA, RAKESH

Examiner

Firas Alomari

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 04/19/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 11-14 and 17-24 rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

3. The term "close similarity" in claims 11 and 17 is a relative term which renders the claim indefinite. The term "close similarity" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Claims 12-14 and 18-24 are rejected on the virtue of their dependency on claims 11 and 17.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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2. Claim 1-22 and 24-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Bradford et al. US (6,612,928).

Regarding claim 1: Bradford discloses a gaming device comprising: a gaming terminal, configured for playing at least a first game; (Col 10, Lines 21-22 and Col 33, Lines 51-65) a button for pressing by a game player as a part of said game; (Col 10, Line 29 and Col 33, Lines 51-65) a biometric device for measuring biometric data of the game player by sensing said biometric data through said button as it is pressed by the game player. (Col 33, Lines 27-29)

Regarding claims 2 and 10: Bradford discloses the gaming device of claim 1 in which parameters of a fingerprint of the game player are sensed directly through said button as said biometric data, said button being transparent. (Col 34, Lines 21-29)

Regarding Claim 3: Bradford discloses the gaming device of claim 2 in which said terminal carries a comparator for comparing the parameters of the game player's fingerprint with parameters obtained from another source, for player identification. (Col 32, Lines 26-32 and Col 35, Lines 4-13)

Regarding claims 4, 8, 13, 14 and 15: The method of claim 12 in which said second biometric data is obtained from a data storage device carried by the game player. (Col 32, Lines 26-32 and Col 10 lines 36-40)

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Regarding claim 5, 9, 14, 16 and 20: The gaming device of claim 4 in which said data storage device is a "smart card", comprising a microprocessor. (Col 9, Lines 49-56 and Col 5, lines 36-53)

Regarding Claim 6: Bradford discloses the gaming device of claim 4 further comprising a device for storing the measured biometric data of the game player for later access. (Col 35, Lines 2-4 and Col 36, lines 3-6)

Regarding claim 7: Bradford discloses a gaming device comprising: a gaming terminal, configured for playing of at least a first game; (Col 10, Lines 21-22 and Col 33, Lines 51-65) a button for pressing by a game player as part of said game; (Col 10, Line 29 and Col 33, Lines 51-65) a biometric device for measuring parameters of a fingerprint of the game player as the player touches the button by sensing the biometric data through the button as it pressed by the game player; (Col 33, Lines 27-29) said terminal also carrying a comparator for comparing the parameters of the game players' fingerprint with parameters obtained from another source, for player identification; (Col 35, Lines 4-13) and further comprising a device for storing the measured biometric data of the game player for later access. (Col 35, Lines 2-4 and Col 36, lines 3-6)

Regarding Claims 11 and 17: Bradford discloses a gaming method comprising: acquiring first biometric data of a game player by observing said data through a

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button of a gaming machine when touched by the game player;( Col 32, Lines 41-44) comparing said biometric data with second biometric data provided by another source;( Col 32, lines 43-45) and activating said gaming machine for play by the game player if said first and second biometric data have a close similarity. ( Col 32, Lines 44-49 and Col 35, Lines 10-19)

Regarding claims 12 and 18: The method of claim 11 in which said first and second biometric data each comprise parameters of a fingerprint. (Col 32, Line 43)

Regarding claims 21 and 24: Bradford discloses the method of claim 11 in which said first biometric data of the game player is directly observed through said machine button when touched by the game player, said button being transparent. (Col 34, Lines 21-29)

Regarding Claims 25 and 26: Bradford discloses the device of claim 1 in which said biometric device senses said biometric data directly as a signal passing through said button. (Col 34, Lines 21-29 and Col 35, Lines 35-51)

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to

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be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradford et al. US (6,612,928) in view of Stratford et al. US Published Application (2002/0021001).

Regarding Claims 22 and 23: Bradford discloses a gaming method comprising acquiring first biometric data of a game player through a button on the gaming machine;( Col 32, Lines 41-44) storing biometric data obtained from the player to be used later;(Col 35, Lines 2-4 and Col 36, lines 3-6) comparing biometric data with second biometric data provided by another source;( Col 32, lines 43-45) and activating the gaming machine for play if there is a match. ( Col 32, Lines 44-49 and Col 35, Lines 10-19) but he doesn't explicitly disclose the system storing the biometric data if a mismatch occurs. However Stratford discloses a biometric identification system (see abstract) for real time on-the-spot identification of a card owner (Paragraph 0011, Lines 1-5) wherein the system compares the person finger print to the finger print on the card and stores the fingerprint data if a mismatch occurs (Paragraph 0013, Lines 6-14, item 485 FIG. 4, item 525 FIG. 5 and item 625 FIG.6). therefore it would have been obvious to ordinary skilled in the art at the time the invention was made to modify Bradford gaming method with the teachings of Stratford to include the step of storing players biometric data when there is a mismatch between the actual player's fingerprint data and the fingerprint data stored on the card. One would be motivated to do so in order

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enable the system to log failed attempts to use the system and identify users trying to make unauthorized use of the gaming machine.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firas Alomari whose telephone number is (571) 272-7963. The examiner can normally be reached on M-F from 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, AYAZ SHEIKH can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Firas Alomari  
Examiner  
Art Unit 2136

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